

REMARKS

The Examiner has maintained his rejection. As set forth below, such new rejection is still deficient. In the spirit of expediting the prosecution of the present application, applicant has incorporated the subject matter of multiple dependent claims into each of the independent claims. Since the subject matter of such dependent claims was already considered by the Examiner, it is asserted that such claim amendments would not require new search and/or consideration.

The Examiner has rejected Claims 1-20 under 35 U.S.C. 102(e) as being anticipated by Woods (U.S. Patent No. 6,510,417). Applicant respectfully disagrees with such rejection, especially in view of the amendments made hereinabove to each of the independent claims. Specifically, applicant has amended each of the independent claims to incorporate the subject matter of Claims 2-6, 8 and 11 et al.

For example, with respect to the subject matter of former Claim 4 et al., the Examiner has relied on Col. 6, lines 19-30 and Col. 9, lines 3-12 to make a prior art showing of applicant's claimed technique "wherein the one or more aspects of the speech recognition portal include a set of applications presented in the speech recognition portal during the session." Applicant respectfully asserts that such excerpts only disclose presenting user data with currency. In relying on such a teaching from Woods, it seems the Examiner has failed to consider the full weight of applicant's claim language.

In particular, when read in context, applicant claims "dynamically configuring one or more aspect... wherein the one or more aspects of the speech recognition portal include a set of applications presented... during the session" (see independent claim from which former Claim 4 et al. depended). Thus, merely providing current user data, as in Woods, clearly does not meet any sort of dynamic configuration of a set of applications presented, in the manner claimed by applicant.

Applicant has also incorporated the following language into each of the independent claims to further distinguish applicant's claim language from the Woods reference. Applicant respectfully

asserts that nowhere in the Woods reference is there even a suggestion of utilizing any sort of alarms, as presently claimed by applicant.

"wherein at least one alarm is provided for notifications based on alarm conditions, the notifications being of a type chosen from the group consisting of: a simple network management protocol (SNMP) notification, a telephone notification, an electronic mail notification, a pager notification, a facsimile notification, a short message services (SMS) notification, and a wireless application protocol (WAP) push notification."

The Examiner is reminded that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor Co.* 868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

This criterion has simply not been met by the Woods reference, especially in view of the amendments made hereinabove. A notice of allowance or a specific prior art showing of each of the foregoing claimed features, in combination with the remaining claimed features, is respectfully requested.

Applicant further notes that the prior art is also deficient with respect to the remaining dependent claims. Just by way of example, the Examiner has relied on the following excerpts from Woods to make a prior art showing of applicant's claimed technique "wherein information about a gender of the user is ascertained from the utterances, and wherein the one or more aspects of the speech recognition portal are dynamically configured based on the ascertained gender of the user" (see Claim 13).

"Advertising subsystem 120 coordinates activities related to the advertisements to be presented to the user during a communication session. In an exemplary embodiment, advertising subsystem 120 includes advertisements, such as, sponsored advertisements, advertisements targeted to particular users, and permission-based advertisements which are presented only after an affirmative request from the user. In an exemplary

embodiment, advertising subsystem 120 provides one or more of functions: (1) Choose an advertisement to play based on the user, session, location, content and item being explored." (Col. 7, lines 19-29)

"Further, customer management subsystem 130 provides reporting on session and transaction history by different demographic segment such as, for example, determining which services are accessed by users from a certain income bracket, gender, or age group. Customer management subsystem 130 also provides reporting of relatedness based on actual use." (Col. 9, lines 15-21)

Applicant respectfully asserts that the above excerpts from Woods simply teach "advertisements targeted to particular users" and "determining which services are accessed by users from a certain...gender..." (see emphasized excerpts above). Clearly, Woods' general disclosure of targeting advertisements for particular users does not meet any sort of "information about a gender of the user [that is] ascertain[ed] from the utterances" (emphasis added). In addition, merely determining which services are accessed by users of a specific group, as in Woods, does not meet any sort of ascertaining "information about a gender of the user," let alone ascertaining such information "from the utterances," as specifically disclosed by applicant.

Again, a notice of allowance or a specific prior art showing of each of the foregoing claimed features, in combination with the remaining claimed features, is respectfully requested.

Still yet, applicant brings to the Examiner's attention the subject matter of new Claims 21-28 below, which are added for full consideration:

"wherein the at least one alarm is managed including integrating the at least one alarm with a helpdesk system" (see Claim 21);

"wherein a performance monitor provides a number of users simultaneously using at least one of the applications and an uptime of the speech recognition portal" (see Claim 22);

"wherein a geographic locale of the user is provided by sending a request to a wireless carrier or a location network service provider and receiving a response from the wireless carrier or the location network service provider with a geographic locale of the user" (see Claim 23);

“wherein an order of the applications presented to the user is dynamically configured based on the locale of the user at the time of the session” (see Claim 24);

“wherein a first set of applications is presented to the user upon a determination that the user is male and a second set of applications is presented to the user upon a determination that the user is female” (see Claim 25);

“wherein the determination is made utilizing automatic speech recognition (ASR) techniques capable of distinguishing the gender of the user based on at least one of a tone and a pitch of the utterances from the user” (see Claim 26);

“wherein a set of applications presented to the user are dynamically configured upon the change of the profile by the third party authorized to change the profile” (see Claim 27);
and

“wherein the applications include a nationwide business finder application, a nationwide driving directions application, a worldwide flight information application, a nationwide traffic updates application, a worldwide weather application, a news application, a sports application, a stock quotes application, and an infotainment application” (see Claim 28).

Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. For payment of the fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. BVOC P011).

Respectfully submitted,

Zilka-Kotab, PC.

Kevin J. Zilka
Registration No. 41,429

P.O. Box 721120
San Jose, CA 95172-1120
408-505-5100